



BJA FY 11 John R. Justice 2011-H5282-HI-RJ



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*Is the applicant delinquent on any federal debt	No
*Employer Identification Number (EIN)	99-0267141
*Type of Applicant	State
Type of Applicant (other):	
*Organizational Unit	Crime Prevention And Justice Assistance Division
*Legal Name (Legal Jurisdiction Name)	Department of The Attorney General
*Vendor Address 1	425 Queen Street
Vendor Address 2	
*Vendor City	Honolulu
Vendor County/Parish	
*Vendor State	Hawaii
*Vendor ZIP	96813-2903
Point of Contact Information for matters involving this application	
Contact Prefix:	Ms.
Contact Prefix (Other):	
Contact First Name:	Julie
Contact Middle Initial:	
Contact Last Name:	Ebato
Contact Suffix:	
Contact Suffix (Other):	
Contact Title:	Grants and Planning Branch Chief
Contact Address Line 1:	425 Queen Street
Contact Address Line 2:	
Contact City:	Honolulu
Contact State:	Hawaii
Contact Zip Code:	96813-2903
Contact Phone Number:	(808) 587-7442
Contact Fax Number:	(808) 586-1097
Contact E-mail Address:	julie.y.ebato@hawaii.gov

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Descriptive Title of Applicant's Project		
Hawaii John R. Justice Grant Program		
Areas Affected by Project		
Statewide		
Proposed Project		
	*Start Date	October/ 01/ 2011
	*End Date	September/ 30/ 2012
*Congressional Districts of		
	Project	Congressional District 01, HI Congressional District 02, HI Congressional District 00, HI
*Estimated Funding		
Federal		\$110444.00
Applicant		\$0.00
State		\$0.00
Local		\$0.00
Other		\$0.00
Program Income		\$0.00
TOTAL		\$110444.00

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Budget and Program Attachments

[Overview](#)

This form allows you to upload the Budget Detail Worksheet, Program Narrative and other Program attachments. Click the Attach button to continue.

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Attachment 2- Narrative.DOC
Attachment 3- Budget Detail.pdf
HI Budget Narrative.doc
Attachment 1- Abstract.DOC

[Project Information](#)

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Your files have been successfully attached, but the application has not been submitted to OJP. Please continue with your application.

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HAWAII JOHN R. JUSTICE GRANT APPLICATION

Program Abstract (Attachment 1)

Applicant: Hawaii Department of the Attorney General

Goals: To encourage qualified attorneys to choose careers as prosecutors and public defenders and to continue in that service.

Strategy: This program will provide student loan repayment assistance for state and federal public defenders and state and county prosecutors who commit to continued employment as public defenders and prosecutors for at least three years. A Selection Committee composed of representatives of the state Department of the Attorney General, the state Office of the Public Defender, the Federal Public Defender's Office for the District of Hawaii, and the four county prosecution offices will review applications and determine which eligible applicants will receive repayment awards of \$5,000 each. The Selection Committee will ensure that the total amount of loan repayment funding is allocated equally between prosecutors and public defenders and give priority to eligible applicants who have the least ability to repay their loans. The Department of the Attorney General will make payments directly to the financial institutions that hold the student loans.

HAWAII JOHN R. JUSTICE GRANT PROGRAM APPLICATION

Program Narrative (Attachment 2)

I. Background

The Hawaii State Judiciary system comprises four judicial circuit courts corresponding to Hawaii's four counties. The First Circuit encompasses the City and County of Honolulu (island of Oahu). The Second Circuit encompasses Maui County (Lanai, Maui, and Molokai islands). The Third Circuit encompasses Hawaii County (Hawaii island). The Fifth Circuit encompasses Kauai County (Kauai and Niihau islands). There is no fourth circuit.

The Department of the Attorney General's Criminal Justice Division prosecutes criminal and juvenile delinquency cases in all four counties and all state courts. The Department is headed by the Attorney General, who is appointed by the Governor. There are 16 Deputy Attorney General positions in the Criminal Justice Division, all based in Honolulu.

Each of the four counties has a prosecution office headed by a Prosecuting Attorney. The Prosecuting Attorneys of Honolulu, Hawaii, and Kauai Counties are elected. The Prosecuting Attorney of Maui County is appointed by the county mayor. The county prosecution offices prosecute criminal and juvenile delinquency cases in the state courts of their respective circuit. The City and County of Honolulu has 105 Deputy Prosecuting Attorney positions, Maui County has 32, Hawaii County has 34, and Kauai County has 11.5.

The Hawaii Office of the Public Defender provides legal representation to indigent persons in criminal and juvenile delinquency cases in all four counties. The

Defender Council, whose members are appointed by the Governor, appoints the state Public Defender. There are 99 state Deputy Public Defender positions: 67 are based in Honolulu, 15 in Maui County, 13 in Hawaii County, and 4 in Kauai County.

The Federal Public Defender's Office for the District of Hawaii provides legal representation to indigent persons in criminal or juvenile delinquency cases in the federal court in Honolulu. There are 9 federal Deputy Public Defender positions in Hawaii, all based in Honolulu.

The seven agencies described above will participate in the John R. Justice Grant Program.

II. Plan outlining the state's outreach strategy

The seven agencies participated in the development of this application. The Department of the Attorney General will post this document on the Department's website (www.hawaii.gov/ag), and provide copies to the participating agencies. Each participating agency will disseminate this document among the prosecutors or public defenders employed by the agency.

If this application is approved, the Crime Prevention and Justice Assistance Division (CPJAD) of the Department of the Attorney General will notify the participating agencies promptly. Within 45 days thereafter, CPJAD will develop application forms and instructions, written outreach materials, and a PowerPoint presentation explaining the program's purpose, application process, and criteria for eligibility and selection. (This time period includes review and approval by the Selection Committee described below, and by the Attorney General.)

CPJAD will provide the application forms and instructions, written outreach materials, and PowerPoint file to the participating agencies and post them on the Department's website. Each participating agency will disseminate these materials among its employees, and may conduct training sessions for its employees regarding this program. If requested, CPJAD will conduct training sessions for participating agencies. Additionally, CPJAD will provide the materials to the University of Hawaii's William S. Richardson School of Law for dissemination among law students. CPJAD will update the materials annually.

III. Overview (program plan) explaining how beneficiaries will apply for loan repayment and how decisions will be made as to eligibility and awards

A. Evaluation criteria for applicants

1. How decisions will be made as to eligibility

- a.** An applicant must be a prosecutor or public defender employed in Hawaii.¹

“Prosecutor” means full-time employee of a state or unit of local government who is continually licensed to practice law and prosecutes criminal or juvenile delinquency cases at the state or unit of local government level (including supervision, education, or training of other persons prosecuting such cases).

Prosecutors who are employees of the federal government are not eligible.

“Public Defender” means an attorney who is continually licensed to practice law and is a full-time employee of a state or unit of local government who

¹ In Hawaii, there is no full-time employee of a nonprofit organization operating under a contract with a state or unit of local government who devotes substantially all of the employee's full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases including supervision, education, or training of other persons providing such representation.

provides legal representation to indigent persons in criminal or juvenile delinquency cases including supervision, education, or training of other persons providing such representation; or employed as a full-time federal defender attorney in a defender organization pursuant to Subsection (g) of section 3006A of Title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

- b.** An applicant must have a qualifying student loan held by an institution.

“Qualifying student loan” means (1) a loan made, insured, or guaranteed under part B of subchapter IV of chapter 28 of Title 20 (Federal Family Education Loan Program); (2) a loan made under part C or D of subchapter IV of chapter 28 of Title 20 (William D. Ford Federal Direct Loan and Federal Perkins Loans); or (3) a loan made under section 1078-3 or 1087e(g) of Title 20 (Federal consolidation loans and Federal Direct Consolidation loans, respectively). “Qualifying student loan” does *not* mean (1) a loan made to the parents of a dependent student under section 428B of the Higher Education Act of 1965 (20 U.S.C. 1078-2); (2) a Federal Direct PLUS Loan made to the parents of a dependent student; or (3) A loan made under section 428C or 455 (g) of the higher Education Act of 1965 (20 U.S.C. 1078-3 (Federal consolidation loans) and 1087e(g) (Federal Direct Consolidation loans)

- c.** An applicant must not be in default on repayment of any federal student loan.
- d.** An applicant must agree to remain employed as a prosecutor or public defender for a period of service of not less than three years (36 months) from

the date of selection as a beneficiary of this program unless involuntarily separated from the employment.

2. How decisions will be made as to awards

The Attorney General will convene a John R. Justice Grant Program Selection Committee to assist in outreach activities, review applications, select beneficiaries, determine loan repayment amounts, and monitor progress reports. The Selection Committee will meet at least twice per year.

The Selection Committee will comprise seven members: the Attorney General or his or her representative; two employees of the Office of the Public Defender (at least one from Hawaii County, Kauai County, or Maui County); three employees of county prosecution offices selected by the Hawaii Prosecuting Attorneys Association (at least one from Hawaii County, Kauai County, or Maui County); and the Federal Public Defender for the District of Hawaii or his or her representative.

If the Federal Pubic Defender declines to participate in the Selection Committee, the Committee will comprise five members: the Attorney General or his or her representative; two employees of the Office of the Public Defender (at least one from Hawaii County, Kauai County, or Maui County); and two employees of county prosecution offices selected by the Hawaii Prosecuting Attorneys Association (at least one from Hawaii County, Kauai County, or Maui County).

The Selection Committee will:

- Ensure that the total amount of loan repayment funding is allocated equally between prosecutors and public defenders
- Give priority to eligible applicants who have the least ability to repay their loans

The Selection Committee may consider the following factors:

- Salary cap of \$75,000 for initial applicants (including “locality pay” for federal public defenders and furlough reductions for state and county prosecutors and state public defenders)
- Distribution of awards to ensure a range of geographic and demographic representatives
- Assistance from other sources
- Amount of qualifying loan debt
- Amount of the repayment benefit
- Academic achievement (for applicants with less than one year of service as a prosecutor or public defender)
- Meritorious service
- Once approved for loan repayment, a beneficiary will be given priority consideration to receive funding during the second and third years of the three-year service agreement, depending on the availability of funds. Renewal is not automatic, and there is no obligation to renew a benefit in the same (or greater) amount previously received by a beneficiary.

The loan repayment amount for each beneficiary will be \$5,000 per year. The number of beneficiaries will be contingent on the amount of funding available. If the number of selected applicants is insufficient, the Selection Committee may increase the loan repayment amount up to \$10,000 per beneficiary, or reopen the application period to recruit additional applicants.

All final funding decisions will be made by the Department of the Attorney General.

The Selection Committee will select the beneficiaries, and CPJAD will notify them, within thirty days after the application deadline. Payment to the institution holding a beneficiaries' qualifying student loan will be made twelve months after the beneficiary has been selected (checks will be issued within 20 days after CPJAD receives proof of the beneficiary's employment during the twelve-month period).

Grant funds received by the Department of the Attorney General will be paid only to the institution holding the qualifying loan. No funds will be paid directly to the beneficiary. Payments made on behalf of approved beneficiaries will not exceed the total qualifying loan balance. The amount paid will not exceed \$10,000 for any individual in any calendar year or an aggregate total of \$60,000 in the case of any individual.

CPJAD will provide administrative support and progress reports to the Selection Committee. The Administrative Services Office of the Department of the Attorney General will provide fiscal management of the program and provide fiscal reports to the Selection Committee as needed. The Administration Division of the

Department of the Attorney General will review documents and provide other legal services as needed.

B. General application process

Applicants must submit their application, including the required attachments, to CPJAD on or before the deadline. The deadline will be approximately thirty days after CPJAD issues the application forms and instructions. Applications must be received on or before the deadline. Incomplete or late applications will be returned without consideration.

C. Technical application process

Applications must be mailed or hand-delivered to CPJAD.

D. Attachments that applicants will be required to submit with their applications

- Application form, including information on applicant's total education debt, applicant's (or, if married, household's) gross or net income, total assets, and number of dependents; and statement that applicant is not in default on repayment of any federal student loan
- Statement of circumstances affecting ability to repay student loans
- Proof of employment and salary
- Proof of qualifying students loan(s), including original loan amount, current balance, and monthly payment amount
- John R. Justice Student Loan Student Loan Repayment Program Service Agreement (OMB No. 1121-9329)
- Optional: Statement of academic achievement and supporting documents (for applicants with less than one year of service)

- Optional: Employer's statement of meritorious service

IV. Plan to comply with the statutory requirement that priority consideration be given to those with “the least ability to repay” their loans.

To determine which applicants have the least ability to pay, the Selection Committee *will* assess the following:

- The applicant's total educational debt
- The applicant's gross or net income; or, if married, household gross or net income

Additionally, the Selection Committee *may* assess the following:

- The ration of the applicant's total education debt to total assets
- Number of dependents claimed by the applicant

The Selection Committee *will not* consider an adjustment for the cost of living because the cost of living is relatively consistent across the state.

V. Plan to consider a fair distribution of funding based on geography and population density.

The Selection Committee will ensure that funding is not isolated or heavily concentrated in any particular metropolitan area or geographic section of the state, and will ensure that distribution is as widespread as possible. To accomplish this, the Selection Committee will consider the distribution of prosecutor and public defender positions shown in the following table:

State Judicial Circuit	Prosecutors	Public Defenders
First Circuit (City and County of Honolulu)	121	76
Second Circuit (County of Maui)	32	15

Third Circuit (County of Hawaii)	34	13
Fifth Circuit (County of Kauai)	11.5	4
Total	198.5	108

V. Performance Measures

A. Number and amount of loan repayments awarded. The Department will collect and report the following data:

- Number of loan repayments awarded to public defenders
- Dollar value of loan repayments awarded to public defenders
- Number of loan repayments awarded to prosecutors
- Dollar value of loan repayments awarded to prosecutors

B. Percent increase in outreach to eligible beneficiaries. The Department will collect and report the following data:

- Number of outreach materials (e.g., marketing materials, websites, brochures, briefings) developed

C. Average number of days between application for repayment benefits and the loan repayment occurring. The Department will collect and report the following data:

- Total number of days that elapsed between receipts of applications by Governor-designated state agency and disbursement of loan repayment on behalf of selected beneficiary
- Total number of applicants who are loan beneficiaries

The Department will collect this data from the spreadsheets used to track the reimbursement process.

Budget Detail Worksheet

Purpose: The Budget Detail Worksheet may be used as a guide to assist you in the preparation of the budget and budget narrative. You may submit the budget and budget narrative using this form or in the format of your choice (plain sheets, your own form, or a variation of this form). However, all required information (including the budget narrative) must be provided. Any category of expense not applicable to your budget may be deleted.

A. Personnel - List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Name/Position	Computation	Cost
SUB-TOTAL		\$0.00

B. Fringe Benefits - Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation.

Name/Position	Computation	Cost
SUB-TOTAL		\$0.00
Total Personnel & Fringe Benefits		\$0.00

C. Travel - Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

Purpose of Travel	Location	Item	Computation	Cost
Travel entry 1				
Travel entry 2				
Travel entry 3				
Travel entry 4				
Travel entry 5				
Travel entry 6				
Travel entry 7				

TOTAL \$0.00

D. Equipment - List non-expendable items that are to be purchased. Non-expendable equipment is tangible property having a useful life of more than two years and an acquisition cost of \$5,000 or more per unit. (Note: Organization's own capitalization policy may be used for items costing less than \$5,000). Expendable items should be included either in the "supplies" category or in the "Other" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rent or leased equipment costs should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

Item	Computation	Cost

TOTAL \$0.00

E. Supplies - List items by type (office supplies, postage, training materials, copying paper, and expendable equipment items costing less than \$5,000, such as books, hand held tape recorders) and show the basis for computation. (Note: Organization's own capitalization policy may be used for items costing less than \$5,000). Generally, supplies include any materials that are expendable or consumed during the course of the project.

Supply Items	Computation	Cost
TOTAL		\$0.00

F. Construction - As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Check with the program office before budgeting funds in this category.

Purpose	Description of Work	Cost
		TOTAL \$0.00

G. Consultants/Contracts - Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of \$450 per day require additional justification and prior approval from OJP.

Name of Consultant	Service Provided	Computation	Cost
			Subtotal \$0.00

Consultant Expenses: List all expenses to be paid from the grant to the individual consultants in addition to their fees (i.e., travel, meals, lodging, etc.)

Item	Location	Computation	Cost
			Subtotal \$0.00

Contracts: Provide a description of the product or service to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

Item	Cost
Student loan repayment sub-awards; \$5,000 x 22 loans	
	\$110,000.00

H. Other Costs - List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, or provide a monthly rental cost and how many months to rent.

Description	Computation	Cost
Printing of informational flyers	$\$.25/\text{flyer} \times 450 \text{ flyers}$	\$113.00
Pro-rated share of departmental audit cost	$.3\% \times \$110,444$	\$331.00
TOTAL		\$444.00

I. Indirect Costs - Indirect costs are allowed only if the applicant has a Federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories.

Description	Computation	Cost
TOTAL		\$0.00

Budget Summary- When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal requested and the amount of non-Federal funds that will support the project.

Budget Category	Amount
A. Personnel	\$0.00
B. Fringe Benefits	\$0.00
C. Travel	\$0.00
D. Equipment	\$0.00
E. Supplies	\$0.00
F. Construction	\$0.00
G. Consultants/Contracts	\$110,000.00
H. Other	\$444.00
Total Direct Costs	\$110,444.00
I. Indirect Costs	\$0.00
TOTAL PROJECT COSTS	\$110,444.00

Federal Request \$110,444.00

Non-Federal Amount _____

**Hawaii FY 2011 John R. Justice Grant
Budget Narrative**

A. Personnel

B. Fringe

C. Travel

D. Equipment

E. Supplies

F. Construction

G. Consultants/Contracts

Twenty-two student repayment loans at \$5,000/each will be paid.

Other Costs

To cover printing informational flyers @ \$.25/flyer @ 450 flyers that will be distributed to prosecuting attorney offices, public defender offices, and the University of Hawaii law school.

The anticipated pro-rated cost of the department's audit cost related to the JRJ funds. The Single Audit, also known as the OMB A-133 audit, is an organization-wide audit that is required for entities that expend \$500,000 or more of Federal assistance each year. The Departments expends \$500, 000 or more of Federal assistance each year and hence is subject to the audit requirement.


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To the best of my knowledge and belief, all data in this application/preapplication is true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

Your typed name, in lieu of your signature represents your legal binding acceptance of the terms of this application and your statement of the veracity of the representations made in this application. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the following:

1. [Assurances](#)
2. [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace requirements.](#)

If you are an applicant for any Violence Against Women grants, this includes the Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act.

*Prefix:	Mr.		
Prefix (Other):			
*First Name:	David		
Middle Initial:			
*Last Name:	Louie		
Suffix	Suffix:		
Suffix (Other):			
*Title:	Attorney General		
*Address Line 1:	425 Queen Street		
Address Line 2:			
*City:	Honolulu		
County:			
*State:	Hawaii		
*Zip Code:	96813	- 2427	Zip+4 Lookup
*Phone:	808	- 586	- 1282 Ext :
Fax:	808	- 586	- 1239
*E-mail:	hawaiiag@hawaii.gov Email Help		
<input checked="" type="checkbox"/> I have examined the information provided here regarding the signing authority and certify it is accurate. I am the signing authority, or have been delegated or designated formally as the signing authority by the appropriate authority of official, to provide the information requested throughout this application system on behalf of this jurisdiction. Information regarding the signing authority, or the delegation of such authority, has been placed in a file and is available on-site for immediate review.			

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OMB APPROVAL
NUMBER 1121-0140

EXPIRES 12/31/2012

STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.
4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).
5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).
6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 7 94); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).
7. If a governmental entity:
 - a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
 - b. it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

Accept

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U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE CHIEF FINANCIAL OFFICER

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "DOJ Implementation of OMB Guidance of Nonprocurement Debarment and Suspension," and 28 CFR Part 83, "Government-wide Debarment and Suspension," and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Section 2867.20(a):

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 83, Subpart F, for grantees, as defined at 28 CFR Sections 83.620 and 83.650:

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Accept